



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

August 13, 2018

Mark J. Langer, Esquire
Clerk, United States Court of
Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW, Room 5423
Washington, D.C. 20001-2866

Re: *Advanced Life Systems, Inc. v. NLRB*,
D.C. Cir. Nos. 16-1405 and 16-1450

Dear Mr. Langer:

On August 3, 2018, the Court handed down its opinion granting in part the Board's cross-application for enforcement and granting in part the petition of Advanced Life System Inc. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I hereby submit the Board's Proposed Judgment in the above-entitled manner. A certificate of service is enclosed.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ADVANCED LIFE SYSTEMS, INC.	:	
	:	
Petitioner/Cross-Respondent	:	
v.	:	Nos. 16-1405
	:	16-1450
NATIONAL LABOR RELATIONS BOARD	:	
	:	
Respondent/Cross-Petitioner	:	

JUDGMENT

Before: KAVANAUGH* and MILLETT, Circuit Judges, and
SENTELLE, Senior Circuit Judge.

THIS CAUSE came to be heard upon a petition filed by the Advanced Life Systems, Inc. to review an Order of the National Labor Relations Board dated August 27, 2016, in Case Nos. 19-CA-096464 and 19-CA-096899, reported at 364 NLRB No. 117, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On August 3, 2018, the Court, being fully advised in the premises, handed down its opinion enforcing in part and vacating in part the Board's order. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Advanced Life Systems, Inc., its officers, agents, successors, and assigns, shall abide by the said modified order (See Attached Order and Appendix).

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED:

Judge, United States Court of Appeals
for the District of Columbia Circuit

ADVANCED LIFE SYSTEMS, INC.

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

Advanced Life Systems, Inc., Yakima, Washington, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Telling employees that they will not get raises if they choose, or because they have chosen, to be represented by a union.
 - (b) In any like or related manner interfering with, re-straining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Before implementing any changes in wages, hours, or other terms and conditions of employment of unit employees, notify and, on request, bargain with the Union as the exclusive collective-bargaining representative of employees in the following bargaining unit:

All full-time, regular part-time and per diem EMTs, paramedics and dispatchers employed by the Respondent out of its Yakima, Washington facilities, but excluding all other employees, maintenance employees, and guards and supervisors as defined in the National Labor Relations Act.
 - (b) Within 14 days after service by the Region, post at its six facilities in Yakima, Washington, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 19, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the

Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since July 2012.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 19 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS
ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT tell you that you will not get raises if you choose, or because you have chosen, to be represented by a union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, before implementing any changes in wages, hours, or other terms and conditions of employment of unit employees, notify and, on request, bargain with the Union as the exclusive collective-bargaining representative of employees in the following bargaining unit:

All full-time, regular part-time and per diem EMTs, paramedics and dispatchers employed by the Respondent out of its Yakima, Washington facilities, but excluding all other employees, maintenance employees, and guards and supervisors as defined in the National Labor Relations Act.

ADVANCED LIFE SYSTEMS, INC.

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ADVANCED LIFE SYSTEMS, INC.	:	
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Petitioner/Cross-Respondent	:	
	:	Nos. 16-1405
v.	:	16-1450
	:	
NATIONAL LABOR RELATIONS BOARD	:	
	:	
Respondent/Cross-Petitioner	:	

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2018, I electronically filed the foregoing document with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, D.C.
this 13th day of August, 2018